

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

R.A. JR. (a minor child, by and through his)
Father and next friend, Richard Lemmel)
Arnold,)
)
 Plaintiff,)
)
 vs.) Case No.: CV-3:06-cv-337-WHA
)
 DEPUTY SHERIFF WALTER LACEY,)
)
 Defendant.)

**RESPONSE TO PLAINTIFF'S OBJECTION TO
DEFENDANT'S WITNESS LIST**

COMES NOW the Defendant, Walter Lacey, and pursuant to this Court's Order dated April 19, 2007 (Doc. # 52) responds to the Plaintiff's Objections to Defendant's Witness List (Doc. # 49) as follows:

1. The Plaintiff has objected to the witnesses designated as number 8, 9, 10, 11, 12, and 13. These witnesses were listed by the Defendant as "Persons who may testify if needed." The Defendant does not know if it will be necessary for these witnesses to be called to testify at this time, but identified these witnesses pursuant to the Court's Scheduling Order.

2. The Plaintiff has specifically objected to witness number 6, Charles Wright, the Investigator with the Alabama Bureau of Investigation. Charles Wright, was charged with the responsibility of conducting the investigation into this incident by the Alabama Bureau of Investigation, an independent state agency, separate and apart from the Defendant's employer, the Macon County Sheriff. Charles Wright met with the Plaintiffs, the plaintiff's mother, the plaintiff's step-brother, along with the plaintiff's attorney in Hayneville, Alabama and took a

statement from the plaintiff, R.A., Jr. which was signed by Richard Arnold. Also, Charles Wright prepared the public record pursuant to his duties as an officer with the Alabama Bureau of Investigation. See Response to Plaintiff's Objection to Defendant's Exhibit List filed herewith.

For the foregoing reasons, the Defendant respectfully requests this Honorable court to withhold ruling on the Plaintiff's objection to these witnesses until trial.

s/ C. Winston Sheehan, Jr.

C. WINSTON SHEEHAN, JR.

Attorney for the Defendant, Walter Lacey

OF COUNSEL:

BALL, BALL, MATTHEWS & NOVAK, P.A.
2000 Interstate Park Drive, Suite 204
Post Office Box 2148
Montgomery, Alabama 36102-2148
Phone: (334) 387-7680
Fax: (334) 387-3222

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2007, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

Hon. Arlene M. Richardson
Richardson Legal Center, LLC
Post Office Box 971
Hayneville, AL 36040-0971

/s/ C. Winston Sheehan, Jr.

OF COUNSEL